

SUITABLE AGE AFFIDAVIT OF SERVICE

Essential Services Group
 555 Eighth Avenue, Suite 1901
 New York, New York 10018
 Tel: (212) 760-2300

UNITED STATES DISTRICT COURT
 DISTRICT OF NEW YORK

NEW YORK LAW SCHOOL, ET AL.

VS.

INDEX#08CIV10922

ASCOT PARTNERS, L.P., ET

AL.

State of New York, County of New York SS:

JACK JOHNSON, being duly sworn deposes and says that deponent is over the age of eighteen years: Is not a party to this action and is a resident of New York State. That on **DECEMBER 17/08 AT 12:10P.M.** at **C/O ASCOT PARTNERS, L.P.**

450 PARK AVENUE
NEW YORK, N.Y. 10022

Deponent served the annexed **SUMMONS IN A CIVIL ACTION; CLASS ACTION COMPLAINT**, on **J. EZRA MERKIN** by delivering thereat a true copy to **JERONE BALSAM ESQ.** a person of suitable age and discretion. The said premises is **J. EZRA MERKIN'S** actual place of **BUSINESS** within the state of New York. At the time of service, deponent asked the person spoken to whether **J. EZRA MERKIN** was in the military service of the U.S. Government and was told **J. EZRA MERKIN** was not. Deponent also enclosed a copy of same in a postpaid wrapper, marked "personal & confidential" with no indication that the mailing is regarding a legal matter, properly addressed to **J. EZRA MERKIN** on **12/17/08** at **C/O ASCOT PARTNERS, L.P.**

450 PARK AVENUE

NEW YORK, N.Y. 10022 and deposited said wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, by postage prepaid for delivery by first class regular mail.

Deponent describes the individual to whom service of process was made as follows:

Sex/Race (skin color): **MALE/ WHITE**
 Hair Color/Approximate Age: **BLACK/ 45-55 YRS.**
 Approximate Height/Approximate Weight: **5'9"/160 LBS.**

Jack Johnson

28/PS12.08-103.

SWORN TO BEFORE ME THIS

19 DAY OF

December

Julius D. Ringelheim

